

1 A. Yes.

2 Q. Okay. Could you pull that out?

3 MR. HENZES: 101, 101 is stapled.

4 MR. PURICELLI: Can I see the document?

5 MR. HENZES: You have it. It's all in
6 there.

7 MR. BUSH: It's in there. I just saw it.

8 MR. HENZES: The initial.

9 MR. PURICELLI: I know there was one done.

10 MR. HENZES: That is the initial call sheet
11 when he called. When you look at it, you go to the
12 narrative.

13 MR. PURICELLI: That is a similar page.

14 MR. HENZES: It should be the second page
15 with the narrative.16 MR. PURICELLI: There it is. I was looking
17 for that.

18 -----

19 (Whereupon, a discussion was held off the
20 record.)

21 -----

22 BY MR. PURICELLI:

23 Q. This document, a use of force complaint 101?

24 A. Uh-huh.

25 Q. How did you receive that?

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1 A. Okay.

2 Q. I'm assuming in your years, you have seen that
3 use of force before?

4 A. I have.

5 Q. I'm assuming this is not the first time. This
6 one is not the first one. You have seen that before?

7 A. Correct.

8 Q. Okay. Does anything other than the front, the
9 second page and a fax cover sheet if it's faxed, come
10 with the use of force complaint that is being sent to
11 you to do something?12 A. You refer to the fax cover sheet, Counsel. I
13 don't believe this is a fax cover sheet for this
14 particular document.15 MR. HENZES: It doesn't matter. Just, do
16 they come with a fax cover sheet?

17 MR. PURICELLI: We're going to get that fax.

18 BY MR. PURICELLI:

19 Q. You don't think that fax cover sheet belongs with
20 that document?

21 A. I don't think so.

22 Q. Why do you think that?

23 A. It looks like the date is wrong. I'm not sure
24 who Corporal Hills is.

25 Q. We're going to ask about that, too.

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1 A. I believe it came with the 108 upon receipt of
2 the complaint verification of Detective Bush.

3 Q. And who did you receive this from?

4 A. IAD.

5 Q. Who at the AID, is an entity?

6 A. I don't recall.

7 Q. Is this all you got?

8 A. I believe it was.

9 Q. Does it instruct you to do anything? I don't see
10 where it instructs you to do anything.11 A. May have come in conjunction with an e-mail or
12 attached to an e-mail.

13 Q. This document has a cover sheet, correct?

14 A. I don't have a cover sheet on mine.

15 MR. HENZES: Third page witness two pages.

16 MR. PURICELLI: Here's the one you gave me.

17 MR. HENZES: There is a fax cover sheet.

18 MR. PURICELLI: Fax cover sheet.

19 BY MR. PURICELLI:

20 Q. So, there is a third page, right?

21 A. There is.

22 Q. Just so we can clear up something, the first page
23 of the 101 has a date, 11/19/06, correct?

24 A. Correct.

25 Q. Let's go over some of the pages, Major.

1 A. Okay.

2 Q. I agree there's things I'm going to try to clear
3 up here. When you received it, did it come in the mail?
4 Did it come in an electronic form? Did it get faxed?

5 A. I don't remember.

6 Q. Tell me what is the first thing you remember
7 after you saw the use of force form?8 A. I'm sorry? What was the first thing I remember
9 now or then?

10 Q. When somebody handed it on your desk?

11 MR. HENZES: What you remember now, remember
12 doing back then is the question.13 MR. PURICELLI: Right. There's no simple
14 way to ask that question.

15 BY MR. PURICELLI:

16 Q. What is the first thing you remember doing with
17 this document?

18 A. Okay. The first thing I remember doing --

19 Q. Yes.

20 A. Probably assigning it to somebody.

21 Q. You say assigning it to someone probably. Do you
22 remember doing that?

23 A. Not specifically.

24 Q. All right. We'll go through that process, see if
25 we can figure that out. You said you don't think the

1 fax cover sheet went because the date is different,
 2 correct? Did I understand that correctly, Major?
A. It -- that doesn't -- I don't know what it is.
 Q. You had adjudicated Christopher Bush's complaint
 against Tripp, right?
A. Correct.
 Q. What date did his complaint come in?
A. The original complaint came in 11/19/06.
 Q. And you know that only because it's on this
 document, correct?
A. Yes, correct.
 Q. That was faxed 11/19/06, correct?
A. Yes.
 Q. The fax also scribbled out -- it was being sent
 to the news media?
A. Correct.
 Q. Then that was sent to a Corporal Hills?
A. It's Hills.
 Q. You're correct, Hills? That is your last name,
 Hills, correct?
A. No.
 Q. What is it?
A. Hill.
 Q. Do you know of any Hills?
A. I don't. I don't know Corporal Hills. I don't

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MR. HENZES: Hillis was the corporal

2 assigned to CLEAN. Young is Troop, forwarding a letter,
 3 that appears that he is just sending something. So,
 4 he's just sending something to Hillis from the Troop on
 5 a NCIC entry by Christopher Bush on 11/9/2006.

MR. PURICELLI: That is what we think.

7 MR. HENZES: Hillis because his name came up
 8 in depositions.

9 THE WITNESS: I remember Fultz. I don't
 10 remember Hillis, but anyway...

11 MR. HENZES: Fultz was a trooper.

12 THE WITNESS: Right, yeah.

13 MR. HENZES: 772 is the fax number for
 14 Harrisburg, is an exchange in Harrisburg.

15 MR. PURICELLI: 772 is an exchange for the
 16 department headquarters.

17 MR. HENZES: Yeah. One of them.

18 MR. PURICELLI: I was going to send you to
 19 admissions.

20 MR. HENZES: It's a number in.

21 MR. PURICELLI: Why don't you track it down
 22 and save me the admissions and we'll agree which fax
 23 that is.

24 MR. HENZES: They can tell us. They know
 25 the fax.

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 1 recall a Corporal Hills. I don't say I don't know him
 2 because I have met thousands of troopers on the job.
 3 Q. Fair enough. And it's being faxed to
 4 717-772-1424 number?
A. Correct.
 6 Q. We can agree with that? And that wouldn't be an
 7 area code for you, would it?
A. No.
 9 Q. It's just from a Sergeant David Young, PSP,
 10 Montoursville?
A. Yes.
 12 Q. Do you know a David Young?
A. I do.
 14 Q. Did you ever ask him about the document?
A. I don't recall ever asking him about the
 16 **document.**
 17 Q. Did you see the document in the course of the
 18 investigation?
A. I'm sure I did.
 20 Q. You never --
 21 MR. HENZES: If you look at the whole
 document, you'll figure it out. You heard the name.
 23 It's not Hill. It's Hillis.
 24 MR. PURICELLI: If you get information, fire
 25 away.

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 1 MR. PURICELLI: Okay.
 2 BY MR. PURICELLI:
 3 Q. So, prior to 11/19, are you saying you didn't
 4 know that Officer Bush had made an NCIC entry?
A. Yeah. I was saying I did not know.
 6 Q. Okay. And you've testified before, at
 7 arbitration, you requested CLEAN to investigate
 8 Christopher Bush's --
A. No.
 10 Q. You had never testified to that?
A. No, sir. I did not testify to that. I requested
 12 **a CLEAN inquiry be done.**
 13 Q. Fair enough. We'll use specific words. What is
 14 the difference between an inquiry and an investigation
 15 under the State Police standards?
A. I'm not arguing that distinction. I'm arguing
 17 **the distinction that I called him and asked him to have**
 18 **it done. I believe I asked Lieutenant Hile or Sergeant**
 19 **Young through some fashion that they asked that it be**
 20 **done.**
 21 Q. Let's explore that. What do you recall actually
 22 doing in regard to having a department unit, the CLEAN
 23 Unit start an inquiry into Christopher Bush?
A. I seem to believe it going through Lieutenant
 25 **Hile, the investigator, saying, you need to find out if**

1 this is a legitimate entry or not.

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1 wrong?

2 A. Nothing that was said.

3 Q. We were talking about the fact sheet 101. You
4 believe that the fax transmittal cover sheet
5 purportedly, David Young is not related to the 101,
6 correct?

7 A. Not relate to the 101. I don't think it is, sir.

8 No. I don't think it is.

9 Q. This is based on what you know, correct?

10 A. Correct.

11 Q. Do you know David Young?

12 A. Yes.

13 Q. Did you have a conversation with David Young in
14 regards to any aspect of this litigation?

15 A. I don't know. I may have.

16 Q. Okay. Do you have any direct recollection of
17 doing it?

18 A. I don't remember if it was him or Lieutenant
19 Hile. We had discussions with checking the CLEAN Unit.

20 I may have discussed with him at some point, yeah.

21 Q. The discussion that may have occurred, I'm not
22 saying it did, would have been after 11/9/06?

23 A. Yes.

24 Q. Okay. Do you know, David Young from
25 Montoursville, what he was doing on or about 11/9/06,

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1 You'll see it.

2 THE WITNESS: Can we take a break, Counsel?

3 MR. PURICELLI: Absolutely. No problem.

4 THE WITNESS: Thank you.

5 -----

6 (Whereupon, a short break was taken.)

7 -----

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1 what his duties, or job duties were?

2 A. I think he was a crime section supervisor.

3 Q. In your experience, in your career, how many
4 times have you asked for an NCIC inquiry to be done?

5 A. Similar to this one?

6 Q. Yeah.

7 A. I don't know that I have ever.

8 Q. Since this time, have you done that?

9 A. No.

10 Q. So, Christopher Bush is the first time you had
11 asked the NCIC Unit of the State Police to do an inquiry
12 examination of an entry from the local department?

13 A. Correct.

14 -----

15 (Whereupon Exhibit No. Hill 1, Use of Force
16 Form, was marked for identification.)

17 -----

18 BY MR. PURICELLI:

19 Q. Now, you don't recall the specific date that you
20 received this Use of Force Complaint that we marked as
21 Hill 1.

22 A. I'm sorry, sir?

23 Q. Your testimony is you don't recall a specific
24 date that you received and how you received this Use of
25 Force Form, this 101?

1 **A. I don't remember.**

2 Q. Can we agree it was after, either on or after
3 11/19/06?

4 **A. Correct. It was not on 11/19/06. I believe it
5 was after January 15th, 2007.**

6 Q. And these, this two page document is the only
7 thing that you recall receiving?
8 **A. Pardon me? It should have come with either an
9 e-mail, I believe an e-mail. It should have come on an
10 e-mail with this attachment.**

11 Q. In your review of the documents for today and in
12 your review of the records before, do you have any
13 recollection of ever seeing that e-mail?

14 **A. I don't. In my review of the documents today, I
15 don't recall seeing that e-mail, no.**

16 Q. Okay. And have you received before this Use of
17 Force Form, other Use of Force Forms and been told to
18 investigate the Use of Force complaint?

19 **A. Yes.**

20 Q. So, this wasn't your first one?

21 **A. Correct.**

22 Q. What ordinarily would come with those?

23 **A. I think we went from faxes to e-mails and most of
24 them came from e-mails.**

25 Q. What would be contained on either the fax or the

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1 **document that it came on.**

2 Q. Okay. Now, when you do those types of
3 investigations, you create a package; is that correct?

4 **A. Correct.**

5 Q. And you don't throw away any documents from that
6 package. Do you?

7 **A. No.**

8 Q. That would include an e-mail or the instructions
9 what to do with this 101?

10 **A. I may have gotten rid of the e-mail at some
11 point, yes.**

12 Q. Why would you do that?

13 **A. Because it's, a Use of Force, 101 and 108, are
14 significant documents. And I don't know that there is
15 any requirements included in the e-mail.**

16 Q. Did you review the Operation Manuals or ARs to
17 find out what would have been required to be maintained
18 or not?

19 **A. I don't know that I did.**

20 Q. Did you review any policy regulations which say
21 you could or couldn't discard?

22 **A. I don't know that I did.**

23 Q. What evidence is there other than your own say
24 so, is the Director tasked to do in this investigation?

25 **A. He didn't task me to do the investigation. The**

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1 e-mail? What information.

2 **A. I believe, if I recall correctly, a short
3 paragraph indicating, sign the attached complaint,
4 forwarded for your action under what specific type of
5 investigation you're going to do, a full or limited.**

6 Q. Would it be fair to say, some form of instruction
7 to do with the two page document?

8 **A. Yeah. I think that would be fair to say.**

9 Q. Would it be fair to say in this particular case
10 we're talking about, this document wasn't being sent to
11 read and file away?

12 **A. No.**

13 Q. It was tasked to do something with that?

14 **A. Correct.**

15 Q. What was your understanding of that task?

16 **A. To do a limited investigation into the complaint.**

17 Q. How did you know a limited investigation was
18 being called for?

19 **A. I believe there were instructions that would have
20 come at some point from the Director of IAD.**

21 Q. So, there would be a document I could find that
22 would be from the Director saying to do a limited
23 investigation?

24 **A. I would think there is. Whether it's still there
25 or accessible, I don't know. An e-mail came on or a**

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1 **investigation was tasked to be assigned by me to a
2 member of my troop to conduct an investigation.**

3 Q. What evidence do you have other than your say so,
4 that's the case?

5 **A. The 101 and the 108 forwarded to me.**

6 Q. And what evidence do we have that it was
7 forwarded to you?

8 **A. I have nothing, no document to show you that,
9 sir.**

10 Q. But there should be one, correct?

11 **A. I think there is one, yes.**

12 Q. Okay. Ordinarily, when a Use of Force Complaint
13 is received, it's received by who, the State Police?

14 **A. It would have been received by any number of
15 people.**

16 Q. And under the policy, what is -- where is this
17 form supposed to go?

18 **A. IAD.**

19 Q. For purposes of the record, would you identify
20 that?

21 **A. Internal Affairs Division.**

22 Q. That is a division within the bureau?

23 **A. Yes.**

24 Q. And what is that bureau?

25 **A. Bureau of Professional Responsibility.**

1 Q. Commonly referred to as BPR?
 2 A. It's not commonly referred anymore. It's now the
 3 Bureau of Integrity and Process System, the Bureau of
 4 some BIPS now.

5 Q. If I say BPR, would you know what that is?

6 A. Yes.

7 Q. Can we agree, everyone in this room, if we say
 8 BPR, we're talking about that new long title they've
 9 given?

10 A. Which includes the Internal Affairs Division
 11 which remains the same.

12 Q. Correct. And there's one person in charge of
 13 that Bureau which includes the division, correct?

14 A. Correct.

15 Q. All right. It is who?

16 A. Major Charles Skurkis.

17 Q. And back when you were a captain, who was it?

18 A. I think it was Major Charles Skirkus then, too.

19 I'm not sure. I know he was in charge of the Bureau.

20 The Director of Internal Affairs was Captain Willard
 21 Oliphant.

22 Q. We're going to get to that. You're jumping
 23 ahead.

24 A. Sorry.

25 Q. That's okay. The 101 goes to BPR, Internal

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1 to yourself into the record, is there anything in there
 2 when that tells, it jumps out at you that says, yeah,
 3 this qualifies for a limited investigation under the
 4 State Police criteria?

5 A. Yes.

6 Q. What?

7 A. The fact that an investigation was being
 8 conducted and failed to conduct a proper investigation
 9 according to the complainant.

10 Q. Performance complaint, right, under the
 11 Operations Manual, didn't do the duties accurately or
 12 properly?

13 A. I think if you look at the category under
 14 limited, I'm looking at the opportunity to have the
 15 matter adjudication as the subject of participants in
 16 the investigation.

17 Q. So, you have no direct recollection of being
 18 involved in the process. And that's your understanding
 19 that that might qualify?

20 A. A couple different reasons.

21 Q. Looking at that document, can you tell me any
 22 others?

23 A. The ability of the Director of ID and the
 24 Captain, looking at the mitigating factors in the
 25 materials and investigation.

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1 Affairs. And they decide what they're going to do with
 2 it, correct?

3 A. Correct.

4 Q. Christopher Bush's complaint, were you involved
 5 in any way, shape or form, discussions, memos, anything,
 6 in the decision process, that would make it a limited
 7 investigation?

8 A. I could have been.

9 Q. Do you have any direct recollection of being
 10 involved?

11 A. I do not.

12 Q. If you had been involved, how would that
 13 involvement have been?

14 A. Generally, a discussion with the Director of
 15 Internal Affairs.

16 Q. And what type of things might you talk about if
 17 you had a discussion?

18 A. The nature of the complaint and whether it falls
 19 within the category of a limited investigation.

20 Q. And the complaint is, the synopsis is the second
 21 page, correct?

22 A. Correct.

23 Q. And that without reading it --

24 A. And I think -- I'm sorry.

25 Q. It is okay. Without reading it, you can read it

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1 Q. What mitigating factors do you see in this
 2 document that warranted a limited investigation?

3 A. The fact that an investigation was conducted.

4 Q. What investigation were you referring to?

5 A. The missing person and concealment and
 6 whereabouts of a child investigation conducted by our
 7 people.

8 Q. Christopher Bush was not the subject of that
 9 investigation, was he?

10 A. No.

11 Q. Isn't it true that under a limited investigation,
 12 that the issue of about whether it's limited or not is
 13 if the complainant is the subject of the investigation?

14 A. Yeah. It says that. There is one section of it,
 15 also says mitigating factors associated or complaining
 16 on behalf of his brother. The investigation wasn't done
 17 with the mitigating factor in my mind. I make that a
 18 limited investigation.

19 Q. Isn't it true, Major that the types of
 20 investigations you are referring to is like a
 21 complainant is the target, not the person making it or
 22 at least the brother of a person making the complaint
 23 against somebody?

24 A. You got a little -- Counsel...

25 Q. Let me give it to you in example form.

